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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,666	08/16/2001	John Clifton Mason	TFD-001	7794

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06/25/2003

John Mason
The Furniture Doctor
102 Lloyd St.
Carrboro, NC 27510

EXAMINER

KOSLOW, CAROL M

ART UNIT

PAPER NUMBER

1755

DATE MAILED: 06/25/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,666

Applicant(s)

MASON ET AL.

Examiner

C. Melissa Koslow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-12, 14-16, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 13 and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

In view of applicants' petition of 16 August 2001, this application has an effective filing date of 16 August 2001.

The disclosure is objected to because of the following informalities: On page 8, "other" is misspelled. Appropriate correction is required.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The specification does not teach the subject matter of claims 3, 4, 9, 18 and 19. The specification does not teach the following claimed solvents: paraffinic, olefinic or aromatic hydrocarbon solvents and/or solvent blends, d-limonene, chlorinated solvents and the like and the following additives, thickeners, taste-deterrents, fragrances, processing aids and the like. There is no teaching in the specification that the drying oil can be boiled, bodified or otherwise processed. The specification does not teach the water-soluble salt can be boric acid. The specification does not teach the emulsifier can be ethoxylated- or otherwise modified wax, sodium salts of sulfosuccinates, amphoterics and etc. The above subject matter of the claims can be inserted to the specification by amendment.

Claims 1, 4, 6, 7, 12, 16, 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The composition of the oil in claim 1 is indefinite or confusing because applicants state the oil is a drying oil but preferably a non-drying oil. Thus it is unclear if the oil should be a drying or non-drying oil. It is noted claims 5-9 teach the oil is a drying oil, a non-drying oil, a synthetic oil or mixtures thereof. "Preservative" is listed twice in claim 1. The wording of part 4 in claim 1 makes the composition of the polish confusing. Applicants state "other useful optional potential additives" thus it is unclear if these additive are present or not. Claim 4 is an improper claim since claims should only refer to one claim or multiple claims in the alternative. It is suggested to rewrite this claims as follows: "The composition of claim 1 wherein the wax is a blend of at least one natural wax and at least one synthetic wax which is at least partially and at least temporarily partially soluble in hot oil." Claim 6 is indefinite since the oil in claim 1 is not limited to the preferred natural-origin oil, but encompasses all known oils. Thus it is unclear if the oil must be that claimed. If it is, then it is suggested to rewrite this claim as: The composition of claim 1, wherein the oil is a natural-origin oil where the glycerin in the oil is at least partially substituted by an alcohol.". The wording of claim 7 makes it indefinite since it is unclear what oil is boiled, bodied or processes, any drying oil or the Tung and linseed oils. Claim 12 includes calcium carbonate twice. Also "boric acid" is not a salt and thus should not be listed in this claim. In claim 16, "other" is misspelled. Claims 18 and 19 are an improper claims since claims should only refer to one claim or multiple claims in the alternative. It is suggested to rewrite the first two lines of these claims as follows: "A method of cleaning articles of wood, flooring materials, article of metal, cars, boats, surfboards, skateboards, motorcycles, bicycles, skies and the like comprising contacting said articles with the cleaning composition of a one of claims 1-13 and ...".

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5, 11, 14, 15, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukushima.

This reference teaches a polishing/cleaning composition for floors, furniture and other structural elements made of wood. The articles are cleaned by contacting the article with the composition, and rubbing the article with a cloth containing the composition to impregnate of coat the article, which is the process of claim 18, or was a wiping solution, which means that the composition is applied to the article, the excess is wiped off and repeating the process is required, which is the process of claim 19. Examples 3 and 5 teach compositions comprising 54-57 wt% water, 30 wt% eucalyptus oil, 10-13 wt% of a blend of natural waxes and 3 wt% of an emulsifier, such as those of claim 11. The reference teaches the claimed composition and process.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Budner et al.

This reference teaches a polish composition comprising a major portion of water, which means the amount is over 50%, 10-20 wt% fatty acid salt emulsifier, 25-60 wt% vegetable wax, 1-15 wt% paraffin wax and 1-40 wt% of hydrogenated castor oil. The taught amounts overlap and thus make obvious the claimed composition.

Claims 8, 9, 13 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6, 7, 10, 12 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The composition of claims 6-10, 12, 13, 16 and 17 are not taught or suggested by the cited art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa Koslow whose telephone number is (703) 308-3817. The examiner can normally be reached on Monday-Friday from 8:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell, can be reached at (703) 308-3823.

The fax number for Amendments filed under 37 CFR 1.116 or After Final communications is (703) 872-9311. The fax number for all other official communications is (703) 872-9310.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661 or (703) 308-0662.

cmk
June 23, 2003


C. Melissa Koslow
Primary Examiner
Tech. Center 1700